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**Human Rights Council**
**Twenty-eighth session**
Agenda item 10
**Technical assistance and capacity-building**

**Algeria (on behalf of the Group of African States), Australia,* Bahrain* (on behalf of the Group of Arab States), Belgium,* Bulgaria,* Croatia,* Denmark,* Estonia, Finland,* France, Germany, Greece,* Hungary,* Italy,* Lithuania,* Luxembourg,* Malta,* Netherlands, Norway,* Poland,* Spain,* United Kingdom of Great Britain and Northern Ireland: draft resolution**

## 28/... Technical assistance and capacity-building to improve human rights in Libya

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights and relevant international human rights treaties,

*Confirming* the primary responsibility of States to promote and protect human rights,

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

*Looking forward* to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

*Recalling* all previous relevant Human Rights Council resolutions on Libya,

*Taking note with appreciation* of the joint reports of the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights of 4 September and 23 December 2014, and the High Commissioner's statement of 14 October 2014 condemning attacks on human rights defenders, political activists, bloggers and media professionals in Libya,

*Welcoming* the steps taken by the interim Government in Libya to address human rights issues, including the promulgation of a transitional justice law on 8 December 2013, the law against torture and discrimination on 9 April 2013 and the decree to redress the situation of victims of rape and other violence on 19 February 2014, while expressing grave

* Non-member State of the Human Rights Council.

concern that, since January 2014, the security and political crisis have undermined the transition to democracy, which is the aspiration of the Libyan people,

*Expressing concern* about the impact of the security and political crisis and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure including schools and hospitals, the use of schools as military bases and the shortages of medical supplies and treatment,

*Expressing concern also* about the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

*Emphasizing* the need for a political solution to the conflict, for an immediate ceasefire and for all parties to cease violence, expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate talks and establish a national unity government, and underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

*Reaffirming* that those responsible for violations or abuses of human rights, violations of international humanitarian law and terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

1. *Condemns* all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate shelling and attacks on civilians, abductions and assassinations, including of government officials, judges, human rights activists, journalists and members of civil society organizations, shelling of hospitals, looting of property, and restrictions on freedom of expression;

2. *Condemns in the strongest terms* the terrorist acts, hostage-taking and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh in Libya) and other terrorist organizations, their violent extremist ideology and their continued gross, systematic and widespread abuse of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant, cannot and should not be associated with any religion, nationality or civilization;

3. *Strongly urges* the Government of Libya to investigate human rights violations and abuses and to hold those responsible to account;

4. *Strongly urges* all parties immediately to cease violations and abuses and to engage fully in the United Nation-led dialogue for peace aimed at the establishment of a government of national unity, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all fighters and their leaders to declare that violations and abuses of human rights will not be tolerated and that individuals suspected of such acts will be removed from duty;

5. *Calls for* those responsible for violations or abuses of international human rights law, including sexual violence and violations and abuses against children, to be held accountable in accordance with international standards;

6. *Calls upon* the Government of Libya to increase efforts to end impunity, and takes note of its continued cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

7. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

8. *Urges* the international community to support the Government and the Parliament of Libya to fully assume their responsibilities to promote and protect the human rights of the Libyan people;

9. *Expresses grave concern* at the rise in the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, calls upon the Government urgently to increase its efforts to establish full and effective control over all detention centres, in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

10. *Welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights and to renew its invitation for him to visit Libya, and urges the Government:

(*a*) To take further steps to protect freedom of expression, ensuring the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State, for "slander" and for blasphemy;

(*b*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To participate openly and constructively in its upcoming universal periodic review;

(*f*) To further empower women and girls, including by ensuring their full representation in politics, the police and the judiciary;

(*g*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations, and to take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites in violation of international law, particularly those on the World Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(*h*) To take further steps to guarantee freedom of association and assembly, including by reviewing the articles of the Penal Code that undermine freedom of

association and by adopting a law for civil society organizations that is in accordance with international standards on freedom of association, that ensures the protection of human rights defenders and that only includes legal limitations that comply with the international treaty obligations of Libya;

11. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in all activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

12. *Encourages* the Libyan Constitutional Assembly to intensify its efforts to draft a constitution that protects the human rights of all, including women and members of all communities and vulnerable groups, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

13. *Emphasizes* the importance of a broad-based and inclusive national dialogue in order to ensure a peaceful and sustainable democratic transition;

14. *Recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential of the recovery of these assets in helping the Libyan authorities to improve security, development and the realization of all the human rights of all Libyans;

15. *Takes note* of the final report of the international commission of inquiry on Libya,[1] and encourages the Government of Libya to implement fully the recommendations contained therein;

16. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs;[2]

17. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

18. *Requests* the High Commissioner urgently to dispatch a mission to investigate violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014, and to establish the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability, in coordination with the United Nations Support Mission in Libya, inviting the assistance of relevant experts, particularly the National Council for Civil Liberties and Human Rights, and of special procedures mandate holders, and to submit to the Human Rights Council at its thirty-first session, under agenda item 10, a written report on its findings, which should also contain an update on technical assistance, capacity-building and cooperation with the Government of Libya, with recommendations for future capacity-building needs that include but are not limited to the justice system and accountability;

[1] A/HRC/19/68.
[2] A/HRC/28/51.

19. *Also requests* the High Commissioner to provide an oral update to the Council, to be followed by a stand-alone interactive dialogue during its thirtieth session, under agenda item 10, and invites the Special Representative of the Secretary-General for Libya to participate in the interactive dialogue, which should include a focus on ensuring accountability for human rights violations and abuses in Libya.